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Brad Little, Governor
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MEMORANDUM

Date: July 29, 2026

To: Health District Environmental Health Directors
Health District Environmental Health Supervisors
Health District Environmental Health Program Managers
DEQ Wastewater Program Staff – State Office
DEQ Regional Office Administrators
DEQ Regional Office Engineering Managers

Through: Mary Anne Nelson, Ph.D., Administrator, Surface and Wastewater Division
James Craft, Wastewater Compliance Bureau Chief

From: Jayson Foley, Senior Onsite Wastewater Analyst

Subject: Revised Gray Water Definition

This memorandum provides interim direction for implementing the revised gray water definition that became effective July 1, 2026. It explains the effect of the change on individual and subsurface sewage disposal permitting and identifies how proposals outside the current scope of Technical Guidance Manual (TGM) Section 4.13 should be handled pending revision of the TGM.

Background

The Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks (IDAPA 58.01.03) adopt the definitions of blackwaste and gray water from the Wastewater Rules (IDAPA 58.01.16) (58.01.03.003.05 and .16). Effective July 1, 2026, the applicable definitions are:

- **Blackwaste:** Human body waste, such as excreta or urine. This includes toilet paper and other products used in the practice of personal hygiene (58.01.16.010.03).
- **Gray Water:** Domestic wastewater that does not contain blackwaste (58.01.16.010.21).

The prior definition excluded wastewater from specified fixtures. Under the revised definition, domestic wastewater from clothes washers, kitchen sinks, dishwashers, and similar sources is no longer excluded solely because of its fixture source. Under the rule, gray water is limited to domestic wastewater that does not contain blackwaste.

Water-softener brine remains separately restricted and cannot be discharged into an onsite system without Director approval. The revised gray water definition does not override that limitation (58.01.03.004.03).

Issue

TGM Section 4.13.1 still describes gray water as wastewater from bathtubs, showers, and handwashing sinks and excludes kitchen sinks, water softeners, dishwashers, and clothes-washing machines. Those source-based exclusions no longer align with the rule definition. The section's exclusion of nondomestic wastewater remains consistent with the rule because gray water is limited to domestic wastewater.

The rule change affects what qualifies as gray water. It does not change the permitting process or establish design criteria for every wastewater stream now included within the definition. Section 4.13 is written around wastewater from bathtubs, showers, handwashing sinks, and a limited number of other non-food-contact sources. Additional criteria may be needed for wastewater with different characteristics.

Regulatory Requirement

The rule definition controls whether a wastewater stream is gray water. Property owners remain responsible for connecting plumbing fixtures that discharge wastewater to an approved wastewater system or facility and obtaining the permits and approvals required for an individual or subsurface sewage disposal system (58.01.03.001.03.a.ii-.iii and 005.01).

The Technical Guidance Committee maintains the TGM, which provides technical guidance for the design, construction, operation, and maintenance of individual and subsurface sewage disposal systems (58.01.03.004.07-.09). The revised definition does not replace the design and approval criteria in Section 4.13.

Interpretation

TGM Section 4.13.1 should use or cross-reference the rule definition of gray water in IDAPA 58.01.16. Any source-specific limitations should be addressed separately as design criteria. The section can then separately address regulatory restrictions and clarify which wastewater characteristics and system configurations are covered by its design criteria.

Under the rule, gray water is domestic wastewater that does not contain blackwaste. Fixture source and establishment type may inform the review, but neither is conclusive. Permit review should consider the activity generating the wastewater, the wastewater characteristics, and the proposed system design. Wastewater containing excreta or urine is not gray water, even when discharged from a clothes washer or another fixture that might otherwise generate gray water.

The revised definition expands what may qualify as gray water, but it does not establish that every qualifying wastewater stream is addressed by the current Section 4.13 design criteria. Proposals involving wastewater characteristics or system configurations not covered by the current guidance should be coordinated with DEQ pending further technical review and revision of the TGM.

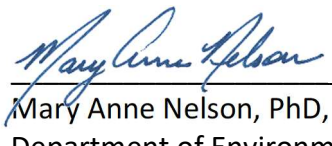
Implementation

Until Section 4.13 is revised, health districts should implement the rule change as follows:

- Apply the definitions in IDAPA 58.01.16 when determining whether wastewater qualifies as gray water. The source exclusions in TGM Section 4.13.1 should not be used as the regulatory definition.
- Applications limited to the wastewater sources and system configurations addressed by the current Section 4.13 guidance may continue to use the existing design criteria pending revision of the TGM. The rule change does not alter those criteria or the existing approval process.
- Retain the existing Section 4.13 safeguards, including separate plumbing approval, subsurface application, a permanent overflow connection to the primary wastewater system, and a full-sized subsurface sewage disposal system designed for all wastewater flows, including both gray water and blackwaste.
- Before approving a gray water proposal involving a wastewater source or system configuration not addressed by Section 4.13, the health district should consult with DEQ to determine whether the existing criteria are applicable or whether additional technical review is needed. The health district retains permitting authority, and DEQ involvement does not create a separate approval requirement unless review or approval is required by rule or the MOU (DEQ-health district MOU, Protocol A).
- DEQ will present Section 4.13 to the TGC for review. The review will address consistency with the rule definition, clarify which wastewater sources and system configurations are covered by the current design criteria, and evaluate whether additional technical criteria are warranted.

This interim direction distinguishes the broadened rule definition from the technical criteria needed to approve a particular system. It is not a determination that all wastewater streams now included within the definition are technically addressed by the existing Section 4.13 design.

Implementation questions should be directed to DEQ's Senior Onsite Wastewater Analyst at the State Office.

APPROVAL:  07/29/2026

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Department of Environmental Quality